

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DHARMA CL, LLC d/b/a BEST WAY
INN CLEBURNE,

Plaintiff

v.

LEXINGTON INSURANCE COMPANY,
and JOSEPH REKART, JR.

Defendants

§
§
§
§
§
§
§
§
§
§
§

C.A. NO. 3:16-cv-00554-M

JOINT STIPULATION OF DISMISSAL OF ALL CLAIMS

Plaintiff Dharma CL, LLC d/b/a Best Way Inn Cleburne (“Dharma”) and Defendants Lexington Insurance Company and Joseph Rekart, Jr. (collectively, “Defendants”) file this joint stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and would respectfully show:

1. This is a commercial property insurance coverage dispute.
2. On January 22, 2016, Plaintiff Dharma filed an action styled Cause No. DC-C201600029, *Dharma CL, LLC d/b/a Best Way Inn Cleburne vs. Lexington Insurance Company and Joseph Rekart, Jr.*; in the 18th Judicial District Court of Johnson County, Texas.
3. A Notice of Removal was filed within the 30-day time period allowed by 28 U.S.C. § 1446(b). A First Amended Notice of Removal was filed within the time period specified in the Court’s March 2, 2016, Notice of Deficiency and Order.
4. The Court has not ruled on the pending motion to remand.
5. Dharma and Defendants have now resolved all disputes between them.
6. Accordingly, Dharma and Defendants move to dismiss the lawsuit, and each party agrees to the dismissal.

7. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2. A receiver has not been appointed in this case. This case is not governed by any federal statute that requires a court order for dismissal of the case. Plaintiff Dharma has not previously dismissed any federal- or state-court suit based on or including the same claims as those presented in this lawsuit.

8. Dharma's dismissal of its claims is with prejudice.

9. This Joint Stipulation of Dismissal resolves all claims between all parties.

DATED: January 5, 2017.

Respectfully submitted,

By: /s/ William N. Allan, IV *w/permission

Wes Holland
State Bar No. 24007379
William N. Allan, IV
State Bar No. 24012204

ALLAN, NAVA, GLANDER & HOLLAND, PLLC
13409 NW Military Hwy, Suite 300
San Antonio, Texas 78231
Phone: (210) 305-4220
Fax: (210) 305-4219
serveone@anglawfirm.com
wholland@anglawfirm.com

LEAD COUNSEL FOR PLAINTIFFS

By: /s/ Raymond L. Gregory II

Raymond L. Gregory II
State Bar No. 08438275

EGGLESTON & BRISCOE, LLP

333 Clay St., Suite 4800

Houston, Texas 77002

Phone: (713) 659-5100

Fax: (713) 951-9920

rlg2@egglestonbriscoe.com

LEAD COUNSEL FOR DEFENDANTS